

ADTEL, INC. AND/OR REYNALDO T. CASAS, PETITIONERS, VS. MARIJOY A. VALDEZ, RESPONDENT.

G.R. No. 189942. August 09, 2017

Ponente: CARPIO, J.

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CARPIO, J.:

The Case

Before the Court is a petition for review on certiorari[1] assailing the 28 May 2009 Resolution[2] and the 8 October 2009 Resolution[3] of the Court of Appeals (CA) in CA-G.R. SP No. 108169.

The Facts

Adtel, Inc. (Adtel) is a domestic corporation engaged in the distribution of telephone units, gadgets, equipment, and allied products. On 9 September 1996, Adtel hired Marijoy A. Valdez (respondent) to work as an accountant for the company. Adtel promoted respondent as the company's purchasing and logistics supervisor.[4] Adtel then entered into a dealership agreement with respondent's husband, Angel Valdez (Mr. Valdez), to distribute Adtel's wideband VHF-UHF television antennas. The dealership agreement was for twelve (12) months and the agreement was extended for another three (3) months.[5] On 3 February 2006, Mr. Valdez filed a civil case against Adtel for specific performance and damages for the execution of the terms of the dealership agreement.[6] On 10 May 2006, Mr. Valdez also instituted a criminal complaint for libel against Adtel's chairman, president, and officers.[7]

On 22 May 2006, Adtel issued a memorandum[8] directing respondent to show cause in writing why she should not be terminated for conflict of interest and/or serious breach of trust and confidence.[9] The memorandum stated that the filing of cases by respondent's husband created a conflict of interest since respondent had access to vital information that can be used against Adtel.[10] Respondent was placed under preventive suspension by Adtel. On 23 May 2006, respondent denied the charges of Adtel. Respondent contended that the cases had nothing to do with her being an employee of Adtel and had not affected her performance in the company.[11]

On 29 May 2006, Adtel terminated respondent from the company. Respondent filed a complaint for illegal dismissal with the Labor Arbiter. In her Position Paper,[12] respondent alleged that she did not violate any company rule or policy; neither was she guilty of fraud, nor willful breach of trust. Respondent contended that she was illegally dismissed without just cause and was entitled to separation pay, backwages, and damages.

The Decision of the Labor Arbiter

In a Decision[13] dated 24 May 2007, the Labor Arbiter dismissed respondent's complaint for illegal dismissal. The Labor Arbiter found that there existed a conflict of interest between respondent and Adtel. The Labor Arbiter ruled that respondent was not an ordinary rank-and-file employee but a managerial employee with a fiduciary duty to protect the interest of Adtel. The Labor Arbiter held that the civil and criminal cases initiated by respondent's husband indubitably created a conflict of interest that was a just cause for her dismissal by Adtel.

The dispositive portion of the Labor Arbiter's decision reads:

WHEREFORE, premises considered, judgment is hereby rendered DISMISSING the instant complaint for utter lack of merit.

SO ORDERED.[14]

The Decision of the National Labor Relations Commission

In a Decision[15] dated 21 May 2008, the National Labor Relations Commission (NLRC) reversed the decision of the Labor Arbiter. The NLRC ruled that Adtel illegally dismissed respondent. The NLRC held that Adtel failed to substantially prove the existence of an act or omission personally attributable to the respondent to serve as a just cause to terminate her employment.

The dispositive portion of the NLRC's decision states:

WHEREFORE, the appeal is GRANTED and the assailed Decision is hereby REVERSED and SET ASIDE. A new one is hereby rendered ordering the respondent company to pay to the complainant the following amounts:

1. P283,000.00 - representing her separation pay for her almost ten years of service to the company;
2. P684,600.58 - representing her backwages from May 29, 2006 up to the date of this Decision;

Plus ten percent (10%) of the total monetary awards, as and for attorney's fees.

Other claims and charges are dismissed for lack of merit.

SO ORDERED.[16]

Adtel filed a Motion for Reconsideration which was denied by the NLRC on 24 December 2008. Adtel received the NLRC Resolution on 5 February 2009. On 7 April 2009, the last day for filing its petition for certiorari with the CA, Adtel filed a motion for extension of time with the CA. On 22 April 2009, fifteen (15) days after the last day for filing or the 75th day, Adtel filed its petition for certiorari with the CA.[17]

The Decision of the CA

On 28 May 2009, the CA denied the motion for extension and dismissed Adtel's petition for certiorari for being filed beyond the reglementary period. The CA ruled that Adtel had until 7 April 2009 to file its petition for certiorari. Instead of filing the petition for certiorari, Adtel filed a motion for extension of time on 7 April 2009 and subsequently filed its petition for certiorari on 22 April 2009, the last day of the extended period prayed for by Adtel. The CA held that the reglementary period to file a petition for certiorari can no longer be extended pursuant to A.M. No. 07-7-12-SC which amended Section 4, Rule 65 of the Rules of Court.[18]

The dispositive portion of the CA's Resolution states:

WHEREFORE, the Motion is DENIED. Instead, the petition is DISMISSED for being filed beyond the reglementary period.

SO ORDERED.[19]

Adtel filed a motion for reconsideration which was denied on 8 October 2009.[20]

The Issues

Adtel presented the following issues in this petition:

- A. The Court of Appeals committed a reversible error in denying the petitioners' motion for reconsideration

and in dismissing the petition for certiorari on the sole basis of technicality.

B. Technicalities should give way to a judgment on the merits considering that the Labor Arbiter justly and correctly ruled that the complaint for illegal dismissal against petitioner was baseless and unmeritorious only to be later reversed by the NLRC upon respondent's appeal.[21]

The Decision of this Court

We deny the petition.

A.M. No. 07-7-12-SC which amended Section 4, Rule 65 of the Rules of Court states:

Sec. 4. When and where to file the petition. — The petition shall be filed not later than sixty (60) days from notice of the judgment, order or resolution. In case a motion for reconsideration or new trial is timely filed, whether such motion is required or not, the petition shall be filed not later than sixty (60) days counted from the notice of the denial of the motion.

If the petition relates to an act or an omission of a municipal trial court or of a corporation, a board, an officer or a person, it shall be filed with the Regional Trial Court exercising jurisdiction over the territorial area as defined by the Supreme Court. It may also be filed with the Court of Appeals or with the Sandiganbayan, whether or not the same is in aid of the court's appellate jurisdiction. If the petition involves an act or an omission of a quasi-judicial agency, unless otherwise provided by law or these rules, the petition shall be filed with and be cognizable only by the Court of Appeals.

In election cases involving an act or an omission of a municipal or a regional trial court, the petition shall be filed exclusively with the Commission on Elections, in aid of its appellate jurisdiction.

A.M. No. 07-7-12-SC states that in cases where a motion for reconsideration was timely filed, the filing of a petition for certiorari questioning the resolution denying the motion for reconsideration must be made not later than sixty (60) days from the notice of the denial of the motion. In *Laguna Metts Corporation v. Court of Appeals*,^[22] this Court held that following A.M. No. 07-7-12-SC, petitions for certiorari must be filed strictly within 60 days from the notice of judgment or from the order denying a motion for reconsideration. In *Laguna Metts Corporation*, this Court stated the rationale for the strict observance of the 60-day period to file a petition for certiorari, to wit:

The 60-day period is deemed reasonable and sufficient time for a party to mull over and to prepare a petition asserting grave abuse of discretion by a lower court. The period was specifically set to avoid any unreasonable delay that would violate the constitutional rights of the parties to a speedy disposition of their case.^[23]

In *Laguna Metts Corporation*, this Court ruled that the 60-day period was non-extendible and the CA no longer had the authority to grant the motion for extension in view of A.M. No. 07-7-12-SC which amended Section 4 of Rule 65.

However, in *Domdom v. Third and Fifth Divisions of the Sandiganbayan*^[24] this Court held that the strict observance of the 60-day period to file a petition for certiorari is not absolute. This Court ruled that absent any express prohibition under Rule 65, a motion for extension is still permitted, subject to the Court's sound discretion. Similarly, in *Labao v. Flores*,^[25] this Court recognized that the extension of the 60-day period may be granted by the Court in the presence of special or compelling circumstances provided that there should be an effort on the part of the party invoking liberality to advance a reasonable or meritorious explanation for his or her failure to comply with the rules. Likewise, in *Mid-Islands Power Generation v. Court of Appeals*^[26] this Court held that a motion for extension was allowed in petitions for certiorari under Rule 65 subject to the Court's sound discretion and only under exceptional or meritorious cases.

The exception to the 60-day rule to file a petition for certiorari under Rule 65 was also applied by this Court in a more recent case in *Republic of the Philippines v. St. Vincent de Paul Colleges, Inc.*,^[27] to wit: "[u]nder exceptional circumstances, however, and subject to the sound discretion of the Court, [the] said period may be extended pursuant to [the] *Domdom, Labao and Mid-Islands Power* cases."^[28]

Therefore, the rule is that in filing petitions for certiorari under Rule 65, a motion for extension is a prohibited pleading. However in exceptional or meritorious cases, the Court may grant an extension anchored on special or compelling reasons.

Adtel's motion for extension filed with the CA on 7 April 2009 reads:

MOTION FOR EXTENSION OF TIME TO FILE PETITION FOR CERTIORARI

1. Petitioner's Petition for Certiorari was due for filing yesterday, 06 April 2009 or sixty (60) days from 05 February 2009, the date of receipt of the Resolution dated 24 December 2008 issued by the National Labor Relations Commission (NLRC). Considering that yesterday was a holiday, the petition in effect is due today, 07 April 2009.

2. While a draft of the pleading had already been prepared, final revisions have yet to be completed. However, due to the undersigned counsel's heavy volume of work, petitioner is constrained to request for an additional period of fifteen (15) days from today or up to 22 April 2009 within which to file the Petition for Certiorari.

3. This motion is not intended to delay the proceedings but is prompted solely by the above-stated reason.

PRAYER

WHEREFORE, petitioner respectfully prays for an extension of fifteen (15) days from 07 April 2009 or up to 22 April 2009 within which to file its Petition for Certiorari.

Petitioner prays for such other relief which may be deemed just and equitable under the circumstances.^[29]
(Boldfacing and underscoring supplied)

In *Yutingco v. Court of Appeals*,^[30] this Court held that the circumstance of heavy workload alone, absent a compelling or special reason, is not a sufficient justification to allow an extension of the 60-day period to file a petition for certiorari, to wit:

Heavy workload, which is relative and often self serving, ought to be coupled with more compelling reasons such as illness of counsel or other emergencies that could be substantiated by affidavits of merit. Standing alone, heavy workload is not sufficient reason to deviate from the 60-day rule. Thus, we are constrained to state that the Court of Appeals did not err in dismissing the petition for having been filed late.^[31]

In *Thenamaris Philippines, Inc. v. Court of Appeals*,^[32] this Court held that the heavy workload of counsel is hardly a compelling or meritorious reason for availing a motion for extension of time to file a petition for certiorari. Similarly, in *Mid-Islands Power*, this Court ruled that the heavy workload and the resignation of the lawyer handling the case are insufficient reasons to justify the relaxation of the procedural rules under Rule 65. In both *Thenamaris* and *Mid-Islands Power*, this Court denied the motions for extension of time to file a petition for certiorari and held that the heavy workload of counsel was not a compelling reason contemplated by the Rules of Court.

As previously stated in *Labao*,^[33] there should be an effort on the part of the party invoking liberality to advance a reasonable or meritorious explanation for his or her failure to comply with Rule 65. Accordingly, in the absence of a more compelling reason cited in the motion for extension of time other than the "undersigned counsel's heavy volume of work," the CA did not commit a reversible error in dismissing the petition for certiorari.

WHEREFORE, we DENY the petition. We AFFIRM the Resolutions of the Court of Appeals dated 28 May 2009 and 8 October 2009 in CA-G.R. SP No. 108169.

SO ORDERED.

Peralta, Mendoza, Leonen, and Martires, JJ., concur.

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- [1] Rollo, pp. 6-27. Under Rule 45 of the Rules of Court.
- [2] Id. at 34-35. Penned by Associate Justice Mariflor P. Punzalan Castillo, with Associate Justices Rosmari D. Carandang and Marlene Gonzales-Sison concurring.
- [3] Id. at 29-31. Penned by Associate Justice Mariflor P. Punzalan Castillo, with Associate Justices Rosmari D. Carandang and Marlene Gonzales-Sison concurring.
- [4] Id. at 135.
- [5] Id.
- [6] Id.
- [7] Id. at 136.
- [8] Id. at 69-70.
- [9] Id. at 136.
- [10] Id.
- [11] Id.
- [12] Id. at 75-90.
- [13] Id. at 91 -101. Penned by Labor Arbiter Fatima Jambaro-Franco.
- [14] Id. at 101.
- [15] Id at 135-144.
- [16] Id. at 143.
- [17] Id. at 34.
- [18] Id.
- [19] Id. at 35.
- [20] Id. at 13.
- [21] Id.
- [22] 611 Phil. 530 (2009).
- [23] Id. at 535, citing *De Los Santos v. Court of Appeals*, 522 Phil. 313 (2006).
- [24] 627 Phil. 341 (2010).
- [25] 649 Phil. 213 (2010).

[26] 683 Phil. 325 (2012).

[27] 693 Phil. 145 (2012).

[28] Id. at 156-157.

[29] Rollo, pp. 161-162.

[30] 435 Phil. 83 (2002).

[31] Id. at 92.

[32] 725 Phil. 590 (2014).

[33] Supra note 25.

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